రిజిష్టర్డు నెం. ఎ-118




# గుంటూరు జిల్లా రాజపత్రము

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అధికారమువలన ప్రచురించబడినది.

నెం. 4(1) గుంటూరు, 2012వ సంవత్సరము, ఏప్రియల్ నెల, 10వ తేది, మంగళవారము

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR
Present : SRI V.N. VISHNU, I.A.S.,

[Procdgs. Rc. 705/02/C4, Dated : 13-03-2012]

Sub : CASTE VERIFICATION - Guntur District - Repalle Mandal - Bobbarlanka Village - verification of Caste of Sri Gali Sangeetha Rao, S/o Daveedu Native of Bobbarlanka Village of Repalle Mandal - Cancellation of "Buddhist Mala - (SC)" caste certificate issued by the Mandal Revenue Officer, Repalle, dated 16-8-1993 & 28-9-1995 - Reg.

Read :
1 Collector, Mahaboobnagar District N. Dis. D9/3415/96, dated 29-9-96.
2 This Office Rc. 7586/96/E2, dated 5-11-1996.
3 Asst. Collector,Tenali D. Dis 3204/96/B, dated 8-3-2001.
4 Note orders of the Collector, Guntur, dated 19-6-2003.
5 Joint Director, Social Welfare, Guntur Lr. No. C/47/2011, dated -2-2011.
6 Findings of the District Level Scrutiny Committee, dated 27-11-2011.
7. Final Notice of this office Rc. Even No. dated 9-12-2010 & 28-1-2012.
8 Reply Letter of Sri Gali Sangeetha Rao, Sr.Asst. RWS & S Sub Division, Kalwakurty Mandal, Mahaboobnagar District.
9 Note orders of the Collector, Guntur, dated 1-3-2012.
10. Other connected papers.

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ORDER :

The Collector & District Magistrate, Mahaboobnagar has transmitted the file N. Dis. D9/3415/96 (N.F.Pages 4 and CF Pages 48) dated 29-9-1996 pertaining to the alleged bogus SC caste certificate obtained by Sri G. Sangeetha Rao, S/o G. Deveedu, and requested to take further necessary action. In which, it is observed that Dr.B.R. Ambedkar Youth Association, Mahaboobnagar has represented to the Collector, Mahaboobnagar on 24-6-1996 that certain candidates belonging to converted Christians have been selected in the DSC 1996-97 on the basis of bogus SC caste certificates produced by the individuals. In this regard, the Collector, Mahaboobnagar has noticed that one Sri Gali Sangeetha Rao, S/o Deveedu, Native of Bobbarlanka Village of Repalle Mandal was selected in the DSC by way of SC caste certificate issued by the Mandal Revenue Officer, Repalle who was a converted Christian. In view of the above, the Collector, Mahaboobnagar has issued a show cause notice dated -7-1996 to Sri Gali Sangeetha Rao, S/o Deveedu why the SC caste certificate produced by the individual at the time of interview conducted by the District Selection Committee in the month of June 1996 issued by the Mandal Revenue Officer, Repalle should not be cancelled. At this juncture, the individual has submitted his explanation to the Collector, Mahaboobnagar stating that he orginally belongs to Mala caste and followed Christian religion till 14-6-1993, after that he changed his religion to Buddhism. As per Govt. of India Lr. 12016/28/90-SCD (R.Coll.) he obtained the caste certificate under Buddhist Mala from the Mandal Revenue Officer, Repalli vide D. Dis. 896/93, dated 16-8-1993 and letter on 28-9-1995 and the same certificate was submitted at the time of interview conducted by the DSC 1996. Subsequently the file was transferred from Mahaboobnagar to Guntur for taking further action.

The matter was referred to the Asst. Collector,Tenali vide Collector's Rc. 7586/96/E2, dated 5-11-1996 and the Asst. Collector,Tenali has submitted her report through D. Dis. 3204/96/B, dated 8-3-2001 stating that her enquiry revealed that Sri Gali Sangeetha Rao, S/o Deveedu belongs to Buddhism by religion. The enquiry report of the Sub Collector,Tenali was not in accordance with the Govt. Circular instructions.

As per Circular Memo 10956/CV.1/97-2, SW (CV) Department, dated 16-2-1998 where a SC person get converted to a religion other than Hinduism or Sikkisim or Buddism and then reconverts back into original religion he has to be accepted by the SCs.

But in this case the individual was a BC (Christian Mala) and claimed SC status under reconversion clause, and the Govt. did not authorize any Society or Sangham or Parishad to issue conversion certificate.

The Competent authority has to clearly establish by way of local enquiry, on a case to case basis by verifying the customs, the day to day religious practices, festivals, religious ceremonies etc. observed by the applicant to conclude about the religion professed by the applicant and the genuineness of the conversion and reconversion.

In view of the above, the Collector has directed the Sub Collector,Tenali to conduct re-enquiry on the guide lines issued by the Government.

The Revenue Divisional Officer,Tenali has reported in D. Dis. 1123/02/B, dated 31-5-2003 that the then Mandal Revenue Officer, Repalle who enquired into the matter reported in Rc. 193/01/D, dated 26-11-2002, that he enquired Sri Gali Sangeetha Rao, S/o late Deveedu who is residing at Amangal Village of Mahaboobnagar District and a statement was recorded from him, Sri Gali Sangeetha Rao stated that he is the eldest son of Smt. Gali Bharathi W/o late Daveedu, his father died when he was 11 years old, he studied in M. P.P. Elementary School, Bobbarlanka upto 7th and 8th to Xth at A M G

Residential High School, Chilakaluripet, Intermediate in V.S.R. & N.V.R. College, Tenali and B. A. Degree in Sardhar Gowthu Latchanna Degree College, Vijayawada and further stated that his marriage was performed as per Buddhist customs and that as there was no opportunity to convert as Hindu, he converted as Buddhist.

The Mandal Revenue Officer, Repalle further reported that he enquired Sri F. James, S/o Samuel resident of 17th ward, Isukapalli, Repalle Town and recorded his statement. He stated that he worked as a teacher and retired from service in the year 1991. His caste was entered as Christian in his Service Register and observing Christianity and his daughter Snehalatha studied at SNBT Degree College for women, Bethapudi is also a Christian who married Sri Gali Sangeetha Rao, S/o Bharathi of Bobbarlanka Village under the customs of Social Marriage Act. In the academic records of Sri Gali Sangeetha Rao, S/o late Deveedu, his caste was entered as "Christian - Mala i.e. in the Certificate issued by H.M.M.P. Elementary School, Bobbarlanka and TC issued by Principal, SGL Degree College, Sri Gali Sangeetha Rao, S/o late Deveedu continued as Christian Mala during his whole academic career, and converted into Buddhism as per the certificate of "Dhamma Dikshsa" issued by the Indian Buddhist council, Guntur in 1993. The Mandal Revenue Officer, Repalle finally reported that the Government have not authenticated any such associations / Samajams / Societies / Sanghams etc., to issue such conversion or re-conversion certificates. The then Mandal Revenue Officer, Repalle also reported that the Secretary, Indian Buddhist council, Guntur is not authenticated as per the guidelines issued in Collectors Rc. No. 705/02-C4, dated 25-4-2002 and the caste of Sri Gali Sangeetha Rao, S/o late Deveedu of Bobbarlanka Village can be treated as Christian Mala B.C.-C only.

The Revenue Divisional Officer,Tenali finally reported that his local enquiry also revealed that Sri Gali Sangeetha Rao, S/o late Deveedu resident of Bobbarlanka Village of Repalle Mandal belongs to Christian Mala B.C.-C.

The matter was referred to District Level Scrutiny Committee to arrive at final conclusion of the caste claime of the individual. At the time of enquiry on 29-1-2004 Sri Gali Sangeetha Rao stated that he is working as Junior Assistant at Mahaboobnagar District, Amanagal Mandal in MPDO's Office, he was residing at Bobbarlanka Village and belongs to Hindu Mala, his father died in his childhood, he belongs to a very poor family and his mother is alive. He also stated that his mother is an agricultural labour. They studied with their mother's earnings. They are four children to their parents; the individual is the eldest son. He studied as Semi Orphan at Chilakaluripet from 8th class to 10th Class. He studied B. A. at National College, Vijayawada. He further stated that a School Teacher joined him in 1st standard as Christian as his parents are illiterates. After that the individual was attracted to Hinduism and the intentions of Dr. Ambedkar. On 14-6-1993 the individual converted to Buddhism at Indian Buddhist Council, Guntur through Sri Nagarup. From then the individual is following the tradition and Buddhist culture and also married as per the Buddhist tradition. All his family members belong to SC Mala and they all are following the traditions of Hinduism and they are celebratig festivals like Dasahara, Diwali and Pongal etc., His family members are the devotees of Hindu lords like Venkateswara, Sai Baba and Rama etc. At present the individual is working as Junior Assistant, O/o MPDO, Amanagal Mandal of Mahaboobnagar District. The individual never went to Churches. Later in the enquiry held on 13-12-2006, he stated that he is working as Jr.Assistant at MPDO's Office, Amanagal of Mahaboobnagar District. During his whole studies his caste was recorded as Christian Mala (B.C.C). He had converted as Buddhist in 1993 and he got a certificate as Buddhist Mala from the Mandal Revenue Officer, Repalle. His Parents namely Daveedu and Bharathi are illiterates. And he is having two younger brothers and one younger sister namely.

1. Vijaya Raju, Studied Intermediate, working as private employee.
2. Yesebu, studied Intermediate, working as Private employee.
3. Vani, Studied 10th Class, House wife.

Further he stated that his brothers and sister studied as SCs and all of them married the persons belonging to SC Community in the tradition of the Hinduism. The individual is following Buddhism and married a girl named Snehalatha belonging to Christian Mala. At his elementary education the then teachers recorded his caste as BC-C. But they recorded the caste of his brothers and sister as SCs. Later the individual took Buddhism and obtained a certificate from the Mandal Revenue Officer as Buddhist Mala (SC). He stated that he belongs to SC Mala and mistakenly his caste was registered as Christian Mala and also requested to consider his caste as SC.

The individual enclosed the certificates of

1. Marriage certificate from Buddhist Welfare Association of India, Repalle.
2. Caste certificate issued by the Sarpanch of Chodayapalem Village.
3. Non-Chirstian Certificate from the Pastor of Luthern Church of Chodayapalem Village.
4. Caste Certificates of the brothers and sister of the individual.

The individual submitted the copies of caste certificate issued by the Mandal Revenue Officer, Repalle in 1993, 1994 and 1995 and also the caste certificate issued to his brothers and sister (Particulars).

As per the instructions of the Joint Collector & Chairman, D.L.S.C., dated 2-1-2007 the case of Sri Gali Sangeetha Rao, S/o Deveedu was referred to Joint Director, Social Welfare, Guntur to conduct enquiry into the case status and submit a detailed report.

The Joint Director, Social Welfare, Guntur vide his Rc. No. C/47/2011, dated -2-2011 stated that Sri Gali Sangeetha Rao, S/o Deveedu (late) R/o Bobbarlanka Village, Chodayapalem, Repalle Mandal of Guntur District has studied 4th to 5th Classes in Lutheran Elementary School, Bobbarlanka, 6th and 7th Classes in U.P. School at Bobbarlanka, 8th to 10th Classes studied in A.M.G.R. High School at Chilakaluripet, Intermediate in VSR & NVR College at Tenali and B.A. Degree in S.G.L. College at Vijayawada, the Education Institutional Authorities have mentioned his caste as BC-C in caste column i.e. Christian Mala in the Transfer Certificate copy enclosed).

The Joint Director, Social Welfare, Guntur further submitted that Sri Gali Sangeetha Rao, S/o late Deveedu has been converted from B.C-C Mala to Buddhist Mala on 14-6-1993 by Budham Sangam Dhammam Sarnam Gachami, Guntur at Ambedkar Nilayam, Brundavan Gardens, Guntur (Certificate enclosed) and the MRO., Repalle has issued caste certificate to him as Buddhist Mala i.e. Scheduled Caste basing on the Buddhist society certificate and also Sri Gali Sangeetha Rao has married Snehalatha with Buddhist traditions and culture on 10-5-2002 at Bobbarlanka Village of Repalle Mandal and also the Government have amended in 1976 whoever professes Buddism he is deemed to be a Scheduled Caste, the amendment of 1990 did not create a separate sub caste called Neo-Buddhism as the 60th caste of the order of 1950 constitution as amended in 1976 Gazette publication of Govt. of India, dated 4-6-1990. THE CONSTITUTION (SCHEDULED CASTE) ORDERS (AMENDMENT) ACT 1990 No. 15 vide Memo No. 10956/CV.1/1997-2, dated 16-2-1998 of the Principal Secretary Social Welfare, A.P., Hyderabad (copy enclosed).

The Joint Director, Social Welfare, Guntur further submitted that the village elders have stated that the family members belong to Hindu SC Mala and they participated in Hindu processions and celebrate Hindu Festivals and follow Hindu Traditions and culture.

After carefully perusing the statements and the enclosed record submitted by the individual, it is evident that.

Sri Gali Sangeetha Rao, S/o late Deveedu obtained the SC caste certificate in 1993 and 1995 as Buddhist Mala basing on the conversion certificate issued by the Indian Buddhist Council. The Mandal Revenue Officer is not competent to issue a reconversion certificate at that time as G.O.Ms. 92, Social Welfare Department, dated 20-7-1992 read that for the word "Tahsildar" occuring in Para -2 of the G.O.Ms. No. 185, Social Welfare Department, dated 4-12-1979, substitue the word "Revenue Divisional Officer". Thus the caste certificate issued by the Mandal Revenue Officer, Repalle on 16-8-1993 and later on 28-9-1995 are not valid, as it was not issued by the competent authority i.e., the Revenue Divisional Officer, Tenali, though the Mandal Revenue Officer is competent to issue a reconversion certifiate before the amendment of 20-7-1992.

Thus the District Level Scrutiny Committee opined and recommended that the caste certificate issued by the Mandal Revenue Officer, Repalle vide D.Dis. 896/93, dated 16-8-1993 and 28-9-1995 in favour of Sri Gali Sangeetha Rao, S/o late Deveedu (late) as Buddhist Mala (SC) is not valid as it was not issued by the Competent Authority and needs to be cancelled.

Agreeing with the recommendations of the District Level Scrutiny Committee, a notice was issued by the Collector, Guntur to show cause why the "BUDDHIST MALA - SC" caste certificates issued in favour of Sri Gali Sangeetha Rao, S/o late Deveedu (late) by the Mandal Revenue Officer, Repalle vide D.Dis. 896/93, dated 16-8-1993 and 28-9-1995 should not be cancelled, basing on the recommendations of the District Level Scrutiny Committee.

In reply to the notice, Sri Gali Sangeetha Rao, S/o late Deveedu has submitted that on pursuing the findings of the committee it is observed that no negative comments in respect of statements replies and findings given by him and the enquiry authorities on obtaining the caste certificate, the only point that is indicated in DLSC is the competency of the MRO, Repalle for issue of conversion certificate. He stated that this was also not his fault, he took caste certificate thrice from MRO., Repalle for the year 1993, 1994 and 1995 from different MROs who worked during those periods but no MROs at the time or the authorities enquiring on this issue has informed the competency of the issue of caste certificate at any point of time, even though the competency G.O. was issued by the Government vide GO Ms. No. 92, SW (J) Department, dated 20-7-1992 and that it is the fault of the administration or enquiry authorities and they should know about the G.Os. but the individuals or applicant will not have knowledge of it.

Finally, he requested the authorities to drop all the proceedings against him, as per G.O.Ms. No. 8, dated 22-1-2004, he has already given his detailed explanation before the authorities. There is no fault on his part and that in the circumstances to consider his caste certificate and 23 copies of certificate are enclosed to support his caste claim.

After going through the entire record and explanation offered by the individual, the enclosures submitted by him with the reply of the show cause notice, it is clear that the individual was a BC (Christian Mala) and claimed SC status under reconversion clause and the Government did not authorize any Society or Sangham or Parishad to issue conversion certificate and as per G.O.Rt. No. 92, SW(J) Department, dated 20-7-1992, RDO., is competent to issue conversion certificate. It is also not proper to allege that it is the fault of the administration, as the applicant has to know the rule position before requesting for his requirement. Hence, the Caste Certificate issued by the Mandal Revenue Officer, Repalle on 16-8-1993 and 28-9-1993 are not valid, as it was not issued by the Competent authority i.e., the Revene Divisional Officer, Tenali.

In view of the above I, V.N. Vishnu, I.A.S., Collector and District Magistrate, Guntur in exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of AP (SC, ST & BC) issue of

Community, Nativity and Date of Birth Certificate Rules 1997, communicated in G. O. Ms. No. 58, Social Welfare Department, dated 12-5-1997, hereby cancel the "BUDDHIST - MALA - SC" caste certificate issued to Sri Gali Sangeetha Rao, S/o late Deveedu Native of Bobbarlanka Village of Repalle Mandal issued by the Tahsildar, Repalle vide D.Dis. 896/93, dated 16-8-1993 and 28-9-1995.

V.N. VISHNU,
Collector & District Magistrate,
Guntur.

NOTIFICATION

In view of the recommendations of the District Level Scrutiny Committee and in exercise of powers conferred under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of A P (SC, ST & BC) issue of Community, Nativity and Date of Birth Certificate Rules 1997, communicated vide G. O. Ms. No. 58, Social Welfare (J) Department, dated 12-5-1997, it is hereby declared that the "BUDDHIST - MALA - SC" caste certificate issued by the then Tahsildar, Repalle vide D.Dis. 896/93, dated 16-8-1993 and 28-9-1995 in respect of Sri Gali Sangeetha Rao, S/o late Deveedu is hereby cancelled as the Tahsildar is not competent to issue a reconversion certificate.

V.N. VISHNU,
Collector & District Magistrate.

Guntur,
13th March, 2012.

[R.Dis. No. 705/02/C4.

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ముద్రణ కమీషనరుగారిచే ప్రభుత్వ ప్రాంతీయ ముద్రణాలయము, విజయవాడనందు ముద్రించబడి, జిల్లా కలెక్టరుగారిచే ప్రచురించబడినది.